

REMARKS/ARGUMENTS

The office action of September 20, 2005 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 1-31 remain pending in this application.

Information Disclosure Statement Issues

It is again requested that the Examiner address the following issues with regard to the previously submitted Information Disclosure Statements.

Initialed copies of the PTO-1449 Form for the Information Disclosure Statements filed on July 13, 2001, May 24, 2002 and October 4, 2002 have not been returned to the undersigned with any office action to date. In this regard, Applicants have discovered that the Examiner apparently examining the instant application and related application serial no. 09/804,496 concurrently, as evidenced by the closeness of the mailing dates of the office actions in these applications, inadvertently commingled some PTO-1449 Forms filed in the instant application with the related application. Specifically, the office action mailed December 18, 2002 in related application serial no. 09/804,496 included PTO-1449 Forms identifying the instant application and not related application serial no. 09/804,496. Namely, an initialed copy of the PTO-1449 Form filed with the Information Disclosure Statement dated July 13, 2001 in the instant application was returned (essentially citing the same references as identified in the PTO Form 1449s provided in the related application) and an initialed copy of the PTO-1449 Form filed with the Information Disclosure Statement on May 24, 2002 in the instant application was returned with the December 18, 2002 office action in the related application serial no. 09/804,496. In view of the above, applicants respectfully request that the Examiner return initialed copies of the PTO-1449 Forms filed with the Information Disclosure Statements in the instant application on July 13, 2001 and May 24, 2002 with the next communication.

Section 112 Rejection

Claim 8 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicants respectfully traverse this rejection.

The Office Action asserts that claim 8 is indefinite because it is supposedly unclear whether the features recited therein "are part of the claimed invention." See Office Action, page

2. The Office Action cites MPEP § 2173.05(d) as support for the rejection. It is noted that MPEP § 2173.05(d) describes the use of “for example” and “such as” in claims as potentially leading “to confusion over the intended scope of a claim.” However, claim 8 does not recite either “for example” or “such as”. It is respectfully submitted that the metes and bounds of claim 8 are clearly set forth and that the rejection should be withdrawn.

Prior Art Rejections

Claims 1, 7, 9, 16-26 and 28-29 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. patent no. 5,635,958 to Murai. Applicants respectfully traverse this rejection.

Claim 1, as amended, recites that the feedback includes an indication of a plurality of applications. Murai merely discloses icons associated with functions in a word processing program (see Murai, col. 7, lines 17-32 and FIG. 14). Murai fails to teach or suggest generating feedback including an indication of a plurality of applications responsive to detecting the physical presence.

“A claim is anticipated only if each and every element is set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). In the present case, Murai fails to teach or suggest each and every element. Therefore, it is respectfully submitted that the rejection should be withdrawn.

Claim 9 recites that the display widget identifies a text macro. Murai fails to teach or suggest a text macro. The Office Action asserts that Murai discloses “translate the data in the designated area” (see Office Action, page 4). However, this is not a text macro. Nor does the Office Action provide a reasons for the alleged equivalency of “translate the data in the designated area” and a text macro. Further, claim 9, as amended, recites that the display widget displays at least a portion of text corresponding to the text macro. Murai fails to teach or suggest this feature. Murai fails to teach or suggest text at all. Therefore, it is respectfully submitted that the rejection should be withdrawn.

Claim 18 recites a feedback providing an indication of the functionality of a first auxiliary control and other feedback indicating functionality associated with the combination of

the first auxiliary control and a second auxiliary control. Murai fails to teach or suggest these features. The Office Action cites Murai at col. 7, line 50 and FIGS. 18A and 18B. However, Murai merely discloses displaying bitmap spots on a display (see FIG. 18A) corresponding to keys when a switch 22 is not depressed and displaying characters associated with each of the keys in the bitmap spots when a finger approaches the switch 22. Murai merely discloses one switch 22 (alternatively called sensor 22), but fails to teach or suggest a second auxiliary control different from the first auxiliary control. Also, Murai discloses displaying characters associated with keys but fails to teach or suggest generating other feedback indicating functionality associated with the combination of the first auxiliary control and the second auxiliary control. Therefore, it is respectfully submitted the rejection should be withdrawn.

Claim 20 recites a first display widget providing a tool tip. Murai fails to teach or suggest a tool tip. The Office Action asserts that Murai discloses “translate the data in the designated area” (see Office Action, page 5). This has nothing to do with a tool tip, nor does the Office Action provide a rationale as to what relevance Murai’s alleged disclosure of “translate the data in the designated area” has to a tool tip. Further, claim 20, as amended, recites that the tool tip indicates one of an identity of a user, tuning of an audio application, tuning of a video application, volume control, control of a feature with multiple settings, a control function corresponding to a key combination, and an application that will be launched by activating the first auxiliary control. Murai fails to teach or suggest any of these features. Therefore, it is respectfully submitted that the rejection should be withdrawn.

Claims 7, 16, 17, 19, and 21-26, and 28-29 depend from any of claims 1, 9, 18, or 20 and are therefore allowable for at least the reasons set forth above for claims 1, 9, 18, and 20.

Claims 2, 5-6 and 11-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Murai in view of U.S. patent no. 5,995,101 to Clark et al. (“Clark”). This rejection is respectfully traversed.

Claims 2, 5-6 and 11-15 depend from claim 1. As set forth above Murai fails to teach or suggest claim 1. Clark fails to cure the deficits of Murai.

Clark and Murai, either alone or in combination, fail to teach or suggest, for example, the feedback including an indication of a plurality of applications and the first auxiliary control and

associated feedback being dependent upon which on of the plurality of applications is active. To establish *prima facie* obviousness of a claimed invention, all the claim features must be taught or suggest by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). In the present case, the combination of Murai and Clark fails to teach or suggest all the claim features.

Therefore, the rejection should be withdrawn.

Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Murai in view of U.S. patent no. 5,854,624 to Grant. Applicants respectfully traverse this rejection.

Claim 3 depends from claim 1. As set forth above Murai fails to teach or suggest claim 1. Grant fails to cure the deficits of Murai.

Grant and Murai, either alone or in combination, fail to teach or suggest, for example, the feedback including an indication of a plurality of applications and the first auxiliary control and associated feedback being dependent upon which on of the plurality of applications is active. The combination of Murai and Grant fails to teach or suggest all the claim features. Therefore, the rejection should be withdrawn.

Claims 4 and 31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Murai in view of U.S. patent no. 5,973,670 to Barber. Applicants respectfully traverse this rejection.

Claims 4 and 31 depend from claim 1 and 20, respectively. As set forth above Murai fails to teach or suggest claim 1. Barber fails to cure the deficits of Murai.

Barber and Murai, either alone or in combination, fail to teach or suggest, for example, the feedback including an indication of a plurality of applications and the first auxiliary control and associated feedback being dependent upon which on of the plurality of applications is active. Also, Barber and Murai, either alone or in combination, fail to teach or suggest a tool tip. The combination of Murai and Barber fails to teach or suggest all the claim features. Therefore, the rejection should be withdrawn.

Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Murai in view of U.S. patent no. 6,246,405 to Johnson. Applicants respectfully traverse this rejection.

Claim 8 depends from claim 1. As set forth above Murai fails to teach or suggest claim 1. Johnson fails to cure the deficits of Murai.

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Johnson and Murai, either alone or in combination, fail to teach or suggest, for example, the feedback including an indication of a plurality of applications and the first auxiliary control and associated feedback being dependent upon which one of the plurality of applications is active. The combination of Murai and Johnson fails to teach or suggest all the claim features. Therefore, the rejection should be withdrawn.

CONCLUSION


It is believed that no fee is required for this submission. If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

All rejections having been addressed, applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,

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Dated: December 20, 2005

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